



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco, California 94105

March 16, 2020

David Castanon
Chief, Regulatory Division
U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd., Ste. 930
Los Angeles, California 90017

Re: **Friends of the Riverside Airport, LLC, Agricultural Park ("Ag. Park")** enforcement referral action; U.S. Army Corps of Engineers File No. SPL-2013-00621 (also: SPL-2003-01360, SPL-2004-00519, SPL-2006-00256, SPL-2013-00850)

Dear Mr. David Castanon:

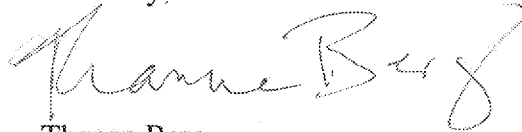
In December 2019, the U.S. Army Corps of Engineers Los Angeles District ("Corps") notified the Environmental Protection Agency Region 9 ("EPA") of a potential enforcement action referral package regarding the Friends of the Riverside Airport, LLC ("FRA") Ag. Park site (located at approximately 33.958889°N latitude, 117.471944°W longitude). We appreciate your coordination on this important action. We agree the referral meets criteria (repeat and flagrant) under our joint Field Level Agreement between the U.S. Army Corps of Engineers, South Pacific Division and the U.S. Environmental Protection Agency, Region 9 concerning federal enforcement for the Section 404 program of the Clean Water Act ("CWA"), dated 2009. The Corps' Investigation Report dated June 24, 2019 indicates estimated unauthorized discharge of fill activities occurred within approximately 0.95-acre wetland waters of the United States ("WOUS") and 0.17 non-wetland WOUS, located upstream of a traditional navigable water (the Santa Ana River). The Corps issued a Notice of Violation to FRA, dated February 6, 2019, and in a subsequent Corps site visit observed new impacts had occurred.

When evaluating whether EPA should be the Lead Enforcement Agency ("LEA") for this potential action, we reviewed your Investigation Report and coordinated with other resource agencies. After careful review, we have decided not to be the LEA for this action. We understand the Corps has already accepted an after-the-fact permit application, and that you recommend compensatory mitigation be required for approximately 1.12 acres of impacts at a 6.3:1 mitigation ratio, resulting in 7.09 acres compensatory mitigation. We agree with this recommendation to offset unauthorized impacts to WOUS. To support your efforts during the after-the-fact permit evaluation process, we retain our ability to submit comments during the public notice comment period, consistent with the CWA Section 404(q) Memorandum of Agreement between our agencies. We understand issuance of an after-the-fact permit will constitute resolution of the unauthorized activities and any compensatory mitigation would be

incorporated as enforceable special condition(s) of the permit. Should additional support from our office be of value in expediting your resolution of the unauthorized activities with FRA, please let us know.

Thank you for coordinating with our office. Should you wish to discuss this action further, you may contact me or my staff, Enforcement Officer Bonnie Rogers, at Rogers.Bonnie@epa.gov, 213-244-1808, or by mail at 600 Wilshire Blvd. Ste. 940, Los Angeles, California 90017.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thanne Berg". The signature is fluid and cursive, with the first name "Thanne" written in a larger, more prominent script than the last name "Berg".

Thanne Berg
Assistant Director, Water Branch
Enforcement and Compliance Assurance Division

eCC:

Steven S. Armann, EPA, Region 9, Land Division / Corrective Action Office

Sylvia Quast, EPA, Region 9, Office of Regional Council